

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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MARGARITA YAKUBOV AND NAHUM KAZIEV,

Plaintiffs,

ORDER

-against-

05 CV 01304 (RJD) (JMA)

THE CITY OF NEW YORK, NEW YORK CITY
POLICE DEPARTMENT, DONALD LEBLANC,
THOMAS SCHULTZ, HUGO DOMINGUEZ, JOSEPH
PERRY, and IRENE MCBRIDE, and OTHER
UNIDENTIFIED OFFICERS,

Defendants.

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DEARIE, Chief Judge.

Plaintiffs, *pro se*, bring this action pursuant to 42 U.S.C. § 1983 for violation of their rights under the Fourth Amendment to the Constitution of the United States and for violations of New York State law. Plaintiffs filed a single complaint for two separate claims arising out of related incidents: plaintiff Yakubov brings an action alleging an unreasonable search and for intentional infliction of emotional distress; plaintiff Kaziev alleges false imprisonment and intentional infliction of emotional distress. Although originally represented by counsel, on June 14, 2006, this Court granted plaintiffs' counsel's application to be relieved, and now plaintiffs proceed *pro se*. Defendants move for summary judgment pursuant to Rule 56 of the Federal Rules of Civil Procedure.

For the reasons that will be explained in an opinion to follow, defendants' motion for summary judgment is granted as to all claims against the NYPD, and all federal claims against the City. Summary judgment is granted as to all claims of illegal entry and search against

Dominguez, McBride, and Perry, but denied as against LeBlanc and Schultz. Summary judgment is granted as to all claims of false arrest and false imprisonment against Dominguez and Schultz, but denied as against LeBlanc, McBride, and Perry. Defendants' motion for summary judgment is denied as to state law claims of illegal entry and search against the City, and to state law claims of false imprisonment against the City. Finally, summary judgment is granted as to all claims of intentional infliction of extreme emotional distress.

SO ORDERED.

Dated: Brooklyn, New York
March 31, 2008

s/ Judge Raymond J. Dearie

RAYMOND J. DEARIE
United States District Judge